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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

Promoting the wise use of land  
Helping build great communities

<b>MEETING DATE</b> November 30, 2005	<b>CONTACT/PHONE</b> Mike Wulkan, project manager 781-5608	<b>APPLICANT</b> Gregory and Melissa Albright	<b>FILE NO.</b> TRACT 2762 SUB2004-00386
<b>SUBJECT</b> Request by Gregory and Melissa Albright for a Tract Map, Development Plan and Coastal Development Permit to create a Planned Development on a site with six existing, detached dwellings, five of which are 919 square feet in area, and one of which is 1,900 square feet, including an approximately 486 square-foot attached garage. The Planned Development includes a proposed subdivision of an existing 27,330 square-foot parcel into six parcels ranging from approximately 1,500 to 5,800 square feet that correspond to the existing dwellings, for the purpose of sale and/or development, and one approximately 12,300 square-foot common parcel. The project also includes a request for an adjustment to the requirements of Section 21.03.010d of the Real Property Division Ordinance by making an exception to required curb, gutter, sidewalk, and road improvements on Mountain View Drive. The project will not result in any additional site disturbance. The proposed project is within the Residential Multi-Family land use category and is located at 2038 to 2050 Mountain View Drive, approximately 280 feet north of Los Olivos Avenue in the community of Los Osos. The site is in the Estero Planning Area.			
<b>RECOMMENDED ACTION</b> 1. Approve the Development Plan/Coastal Development Permit based on the findings listed in Exhibit A and the conditions listed in Exhibit B. 2. Approve Tentative Parcel Map CO 04-0344 based on the findings listed in Exhibit C and the conditions listed in Exhibit D.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class I Categorical Exemption was issued on September 14, 2005 (ED05-109)			
<b>LAND USE CATEGORY</b> Residential Multi-Family	<b>COMBINING DESIGNATION</b> Local Coastal Program Archaeologically Sensitive Area	<b>ASSESSOR PARCEL NUMBER</b> 074,263,041	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> South Bay Communitywide #2: Interim Service Capacity Allocation Residential Multi-Family #1: Density			
<b>LAND USE ORDINANCE STANDARDS:</b> 23.04.028d – Condominiums			
<b>EXISTING USES:</b> Six detached dwellings			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <div style="display: flex; justify-content: space-between;"><div><i>North:</i> Residential Multi-Family (RMF)/mini-storage</div><div><i>East:</i> Residential Suburban/South Bay Blvd., vacant beyond</div></div> <div style="display: flex; justify-content: space-between;"><div><i>South:</i> RMF/dwelling, accessory structures</div><div><i>West:</i> RMF/vacant, multiple-family dwellings</div></div>			
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:</b> COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Public Works, Environmental Health, County Parks, CDF/County Fire, Los Osos Community Services District, Regional Water Quality Control Board, and the California Coastal Commission	
TOPOGRAPHY: Relatively level	VEGETATION: Ornamental trees, shrubs and groundcover
PROPOSED SERVICES: Water supply: community system Sewage Disposal: septic systems; proposed community sewage disposal system Fire Protection: CDF/County Fire	ACCEPTANCE DATE: September 2, 2005

#### PROJECT DESCRIPTION:

The purpose of this proposed Tract Map/Development Plan/Coastal Development Permit is to convert six existing, detached dwellings under a single ownership into a Planned Development consisting of six small, one-story, individually owned parcels (including the land) and a common area. The small, individually owned lots (Lots 1-6) range from 1,500 to 5,800 square feet in area, and include the land underneath each existing dwelling, together with areas for setbacks and private yards. Lot 7 is the area to be owned in common and maintained by a homeowner's association. It includes parking spaces for five of the six lots (Lot 1 has its own garage and parking area), open areas, landscaping, and areas for utilities, including the existing septic tanks that will continue to be used until such time as the planned Los Osos sewer system is built.

#### ORDINANCE COMPLIANCE:

##### *Minimum Parcel Size*

Section 23.04.028d of the Coastal Zone Land Use Ordinance allows, through Development Plan approval by the Review Authority, the use of parcel sizes smaller than those that are normally required, provided that the residential density and the size of the external parcel are in compliance with the Coastal Zone Land Use Ordinance. In this case, the proposed parcel sizes of between 1,500 and 5,800 square feet may be approved, because the existing six dwellings are within the maximum allowable density of 15 dwelling units per acre specified in the Estero Area Plan (the proposed density is about 9.6 units per acre), and because the approximately 27,300 square-foot parent parcel exceeds the 20,000 square-foot minimum parcel size that would normally be required by Section 23.04.028 (based on local road access, 0-15 percent slopes, and assumed septic tank leaching capacity of zero-to-five minutes per inch for this highly permeable Baywood sand soil).

##### *Site Design Standards*

The existing development meets the following Coastal Zone Land Use Ordinance standards:  
Section 23.04.084b.- Maximum Floor Area: 35 percent required; 22 percent existing/proposed  
Section 23.04.084b.- Minimum Open Area: 55 percent required; 62 percent existing/proposed  
Section 23.04.166 – Required Number of Parking Spaces: 11 required, 14 existing/proposed

Setbacks for the proposed small lots in this Planned Development are reduced from those normally required by the Coastal Zone Land Use Ordinance as shown on the tentative tract map, and provide adequate light, air, private yard areas, and separation between buildings. The setbacks between the existing buildings on proposed Lots 1-4 and the exterior property line range from 4.5 to 4.7 feet, and are reduced from the required five-foot setback in order to reflect the existing situation.

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*Quimby Fees*

Payment of Quimby Fees is typically not required by County Parks when no new residences are being proposed.

*Affordable Housing Fees*

Sections 18.07 et seq. of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

*Combining Designations: Section 23.07.104 – Archaeologically Sensitive Area*

The site is located within an Archaeologically Sensitive Area combining designation. Since the proposed project is a tract map and a request for smaller parcel sizes that does not involve ground disturbance, a Phase I surface survey was not required.

*Design Standards*

The proposed parcels, as conditioned, are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance, including a standard that requires two additional street trees in this case. The standard lot width and depth requirements are not applicable to the proposed small parcels that are allowable in a Planned Development.

*21.06.040 – Condominium Conversions*

Land divisions involving conversions of residential real property into condominiums need to comply with Government Code provisions for various noticing to existing and prospective tenants. While this proposal is technically a Planned Development and not a conversion to a condominium project, it is conditioned to comply with the condominium conversion noticing requirements in order to meet the spirit of the regulations.

**PLANNING AREA STANDARD:**

*South Bay Communitywide #2: Interim Service Capacity Allocation*

This standard establishes priorities for water use for land divisions and Development Plan projects. Additional land divisions are permitted within the urban services line only when additional capacity is identified and proposed development will not jeopardize availability of water to higher priority uses. In this case, the proposed land division will not result in new development or additional water use, so the standard is not applicable.

**STAFF COMMENTS:**

This project will create new parcels developed with existing dwellings that use septic systems for sewage disposal. However, no new or increased discharge of waste will result. The septic systems will continue to be used until such time as the planned Los Osos sewer system is available. The Regional Water Quality Control Board recommends the following items, which are included in the conditions of approval: 1) future property owners should be notified of the requirements of the moratorium on waste discharge, 2) each dwelling should be required to connect to the community sewer within 60 days of availability, and 3) the CC&Rs should be approved by the Regional Water Quality Control Board, because the homeowner's association will be responsible for maintaining existing septic tanks that are located within the proposed common area parcel.

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ADJUSTMENT:

*Road Exception Request*

The applicant has requested an adjustment to the requirements of Section 21.03.020d of the Real Property Division Ordinance by making an exception to the required curb, gutter, sidewalk, and road improvements on Mountain View Drive (see attached e-mail from Greg Albright dated September 7, 2005). The Public Works Department recommends against the requested road exception, as curb, gutter and sidewalk improvements already exist in the neighborhood and should be built in this case to enable continuity of improvements in accordance with county requirements. However, Public Works suggests that the required improvements may be bonded for until after sewer laterals are installed in connection with the planned Los Osos sewer.

COMMUNITY ADVISORY GROUP COMMENTS:

The Los Osos Community Advisory Council submitted a letter (attached) dated September 22, 2005 recommending approval of the proposed project

AGENCY REVIEW:

Public Works - recommend approval with conditions; drainage calculations show that no expansion of existing drainage basin needed; do not support request for road exception (curb, gutter and sidewalk improvements exist in the neighborhood), but improvements can be bonded for until after sewer laterals are installed with planned Los Osos sewer system

Environmental Health - project should connect to sewer immediately when available

County Parks - Quimby fees not required; Class III bicycle path should be included with future road improvements (Class III is a "route" with signs only)

CDF/County Fire - required fire safety plan measures provided

Regional Water Quality Control Board - see recommendations under preceding "STAFF COMMENTS"

Southern California Gas Co. - The proposed common lot should be designated as a public utilities easement

LEGAL LOT STATUS:

The one existing lot is a legal lot by virtue of being developed with legally established dwellings.

**EXHIBIT A**

**FINDINGS-- DEVELOPMENT PLAN**

*CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class I) pursuant to CEQA Guidelines Section 15301, because it is a division of existing multiple-family residences in common interest ownership where no physical changes occur that are not otherwise exempt.

*Development Plan*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the multi-family dwellings are an allowable use in the Residential Multi-Family land use category, and because, as conditioned, the project is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code, including Section 23.04.028d – Condominiums.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the six detached dwellings do not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address potential drainage concerns and other health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the six detached dwellings are similar to, and will not conflict with, surrounding residential single family and multi-family development, as well as mini-storage warehouse uses that are allowable in the Residential Multi-Family land use category.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project will not result in increased development potential, and because as conditioned, Mountain View Drive, the fronting street, will be improved to a level able to handle existing development.

*Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast or located between the first public road and the ocean, will not inhibit access to the coastal waters and recreation areas, and does not require access to the coast.

*Archaeologically Sensitive Area*

- H. The proposed project is within an Archaeologically Sensitive Area, but no ground disturbance is proposed. Therefore, an archaeological surface survey is not necessary in this case.

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**EXHIBIT B**

**CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN**

**Approved Development**

1. This Development Plan approval authorizes:
  - a. Conversion of six existing detached dwellings into a Planned Development by subdividing an existing 27,330 square-foot parcel into six parcels ranging from approximately 1,500 to 5,800 square feet that correspond to the existing dwellings, and one approximately 12,300 square-foot common parcel. The project will not result in additional development potential.
  - b. Interim use of the existing septic systems until a date that is within 60 days of the availability of the planned community sewer system, by which time each dwelling shall be connected to the sewer.
  - c. All development shall be consistent with the approved parcel map.

**Condition required to be completed prior to filing of the final map**

***Landscape Plan***

2. The applicant shall submit a landscaping plan to the Department of Planning and Building for review and approval prior to filing of the final parcel map. Said plan is to include location, species, size, and method of maintenance of two additional street trees to be located between the street and the first building. The trees shall be on the applicable list maintained by the Department of Planning and Building, and shall be of a native and/or drought tolerant variety.

**Conditions required to be completed prior to recordation of the final map**

***Fire Protection***

3. Prior to filing the final tract map, the applicant shall obtain final inspection and approval from CDF/County Fire Cayucos Fire Protection District for all required fire/life safety measures in accordance with the CDF/County Fire-approved fire safety plan establishing fire safety requirements, dated August 8, 2005.

***Services***

4. The applicant shall provide a final letter from California Cities Water Co. or its successor stating that water service is available for the project.

**Miscellaneous and ongoing conditions**

5. In the event that any tenancy will be terminated due to the proposed conversion, the applicant shall submit to the Department of Planning and Building proof that each of the tenants of the proposed condominium has been given 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the California Civil Code.

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6. The applicant shall submit to the Department of Planning and Building proof that each of the tenants of the proposed condominium has been, or shall be, given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, unless the tenant gives prior written notice of his or her intention not to exercise the right.
7. This land use permit is valid for a period of 24 months from the effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This project will be complete when the final map for Tract 2762 is recorded, and when the noticing requirements in preceding Conditions 5 and 6 have been satisfied.
8. Each dwelling shall be connected to the planned community sewer system within 60 days of the availability of the sewer.
9. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

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EXHIBIT C

**FINDINGS--TRACT 2762**

*Conversion of Residential Real Property to Condominium*

- A. Each of the tenants of the proposed condominium has, or will have received, pursuant to Government Code Section 66459.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map. Each tenant, and each person applying for the rental of a unit, has, or will have, received all applicable notices and rights now or hereafter required by the Subdivision Map Act.
- B. Each tenant has been, or will be, given 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate when required by California Government Code and Business and Professions Code, and that such report will be available on request.
- C. Each of the tenants of the proposed condominium has been, or will be, given written notification within 10 days of approval of a final map for the proposed conversion.
- D. Each of the tenants of the proposed condominium has been, or will be, given 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the California Civil Code.
- E. Each of the tenants of the proposed condominium has been, or will be, given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, unless the tenant gives prior written notice of his or her intention not to exercise the right.

*Tentative Map*

- F. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a manner consistent with the Residential Multi-Family land use category.
- G. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the parcel size requirements of the Coastal Zone Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- H. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because any required improvements will be completed consistent with county ordinance and conditions of approval, and the design of the parcels meets applicable policies of the general plan and ordinances.
- I. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of multi-family dwellings.
- J. The site is physically suitable for the proposed density of the development proposed because the site can adequately support two dwelling units.



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- K. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no additional development potential will result.
- L. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- M. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

*Road Exception*

- N. The granting of the adjustment *will* be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety, because there will be no future opportunity to obtain the required curb, gutter, sidewalk, and road improvements, which will be detrimental to circulation, drainage and pedestrian safety.

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**EXHIBIT D**

**CONDITIONS OF APPROVAL FOR TRACT 2762**

**Approved Project**

1. This approval authorizes:
  - a. Conversion of six existing detached dwellings into a Planned Development by subdividing an existing 27,330 square-foot parcel into seven parcels ranging from approximately 1,500 to 5,800 square feet that correspond to the existing dwellings, and an approximately 12,300 square-foot common parcel. The project will not result in additional development potential.
  - b. Interim use of the existing septic systems until a date that is within 60 days of the availability of the planned community sewer system, by which time each dwelling shall be connected to the sewer.

***Conditions required to be completed prior to filing of the final map***

**Affordable Housing Fee**

2. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

**Landscape Plan**

3. The applicant shall submit a landscaping plan to the Department of Planning and Building for review and approval prior to filing of the final parcel map. Said plan is to include location, species, size, and method of maintenance of two additional street trees to be located between the street and the first building. The trees shall be on the applicable list maintained by the Department of Planning and Building, and shall be of a native and/or drought tolerant variety.
4. All approved landscaping shall be installed prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis.

***Conditions required to be completed prior to recordation of the final map***

**Access and Improvements**

5. Roads and/or streets to be constructed to the following standards:
  - a. Mountain View Drive widened to complete an A-2 section fronting the property.
6. Access be denied to Lot 7 from South Bay Blvd. and that this be by certificate and designation on the map.

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### **Improvement Plans**

7. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the County Health Department for approval. The plan is to include:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Grading and erosion control plan for subdivision related improvement locations.
  - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
8. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
9. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

### **Utilities**

10. All public utility lines shall be installed underground.
11. Public utility easements for gas, future sewer and other utilities shall be located within Lot 7 and shown on the final tract map.

### **Fire Protection**

12. The applicant shall submit a CDF/County Fire-approved fire safety plan establishing fire safety requirements prior to filing the final tract map

### **Services**

13. The applicant shall provide a final letter from California Cities Water Co. or its successor stating that water service is available for the project.

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**Additional Map Sheet**

14. The applicant shall prepare an additional map sheet to be approved by the County Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
  - a. Provisions for maintenance of common areas, including driveway, guest parking and landscaping.
  - b. Lot 7, the common parcel, shall be held in common by the Homeowner's Association.
  - c. This site is within the on-site discharge prohibition area established by Resolution No. 83-13, adopted by the Central Coast Water Board in 1983. Existing septic system discharges are in violation of that resolution. Property owners should contact the Regional Water Quality Control Board for the requirements of the resolution.
  - d. Each dwelling unit shall connect to the Los Osos wastewater project within 60 days of availability.

**Covenants, Conditions and Restrictions**

15. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
  - a. Maintenance of common areas, including driveway, guest parking, walkways, recreation areas, and landscaping.
  - b. Notice to potential buyers and future owners of the following: that this site is within the on-site discharge prohibition area established by Resolution No. 83-13, adopted by the Central Coast Water Board in 1983, that existing septic system discharges are in violation of that resolution, and that property owners should contact the Regional Water Quality Control Board for the requirements of the resolution.
  - c. Notice to potential buyers and future owners of the requirement that each dwelling unit shall connect to the Los Osos wastewater project within 60 days of availability.
  - d. Provisions for adequate financial, legal and institutional resources to assume responsibility for waste discharges in accordance with the Central Coast Basin Plan.
16. The CC&Rs shall be reviewed and approved by the Regional Water Quality Control board with regard to provisions for adequate financial, legal and institutional resources for the Homeowner's Association to assume responsibility for waste discharges in accordance with the Central Coast Basin Plan.

**Conversion of Residential Property**

17. The applicant shall submit to the Department of Planning and Building a copy of the following tenant notices as required by California Government Code Section 66427.1, along with receipts of registered certified mail showing delivery of notices:
  - a. Notification within 10-days of approval of final map
  - b. 10-day notice that an application for a public report will be, or has been, submitted to the Department of Real Estate when required by California Government Code and Business and Professions Code.

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18. In the event that any tenancy will be terminated due to the proposed conversion, the applicant shall submit to the Department of Planning and Building proof that each of the tenants of the proposed condominium has been given 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the California Civil Code.

**Miscellaneous**

19. This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
20. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS  
USING COMMUNITY WATER AND SEPTIC TANKS

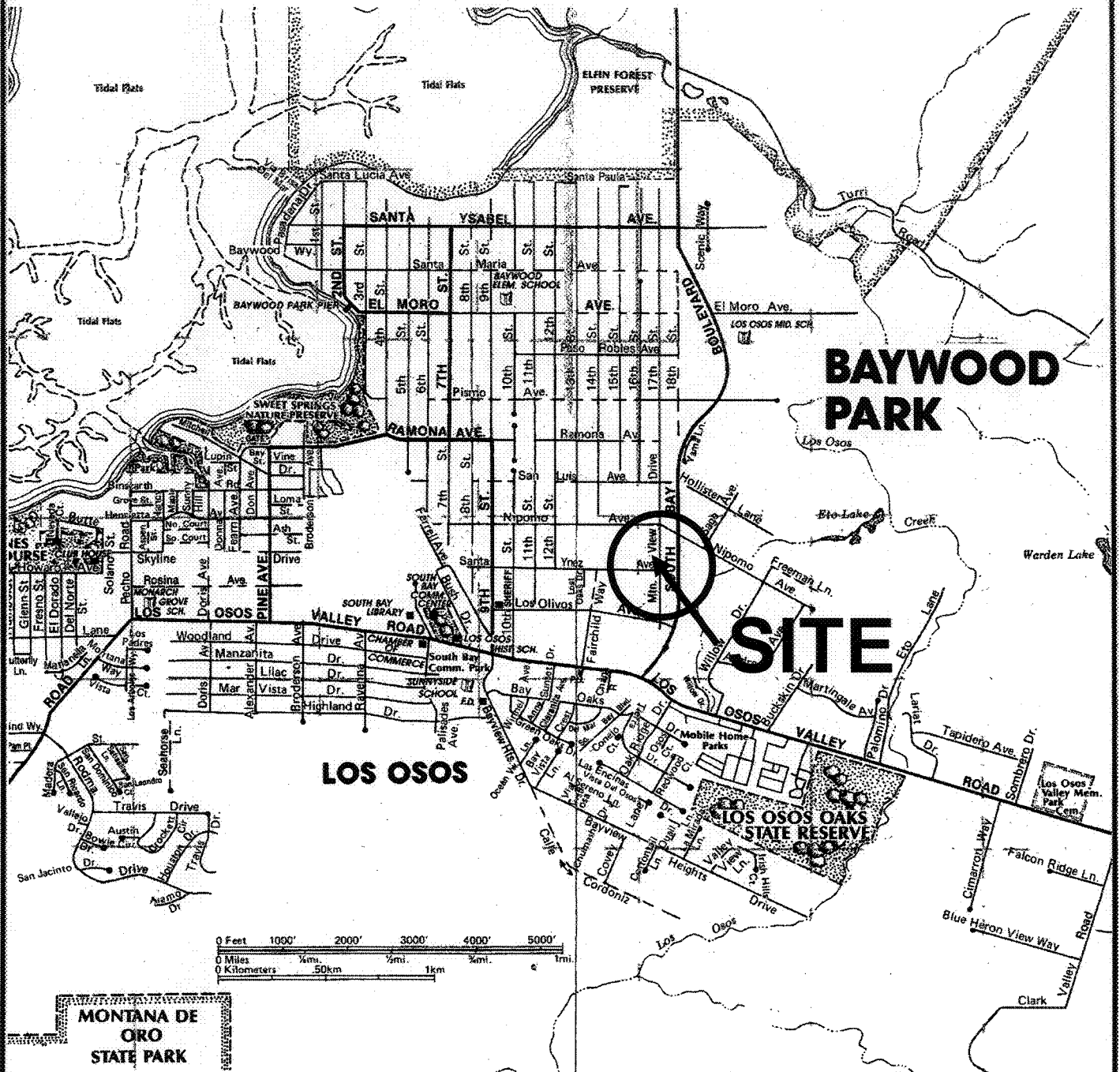
1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewerage.
9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

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10. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning and Health Departments for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.
11. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
12. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway.
13. Any existing reservoir or drainage swale on the property shall be delineated on the map.
14. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
15. Required public utility easements be shown on the map.
16. Approved street names shall be shown on the map.
17. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
18. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
19. Any private easements on the property shall be shown on the map with recording data.
20. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.
21. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
22. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
23. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees shall be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Tract Map & Development Plan  
Albright SUB2004-00386



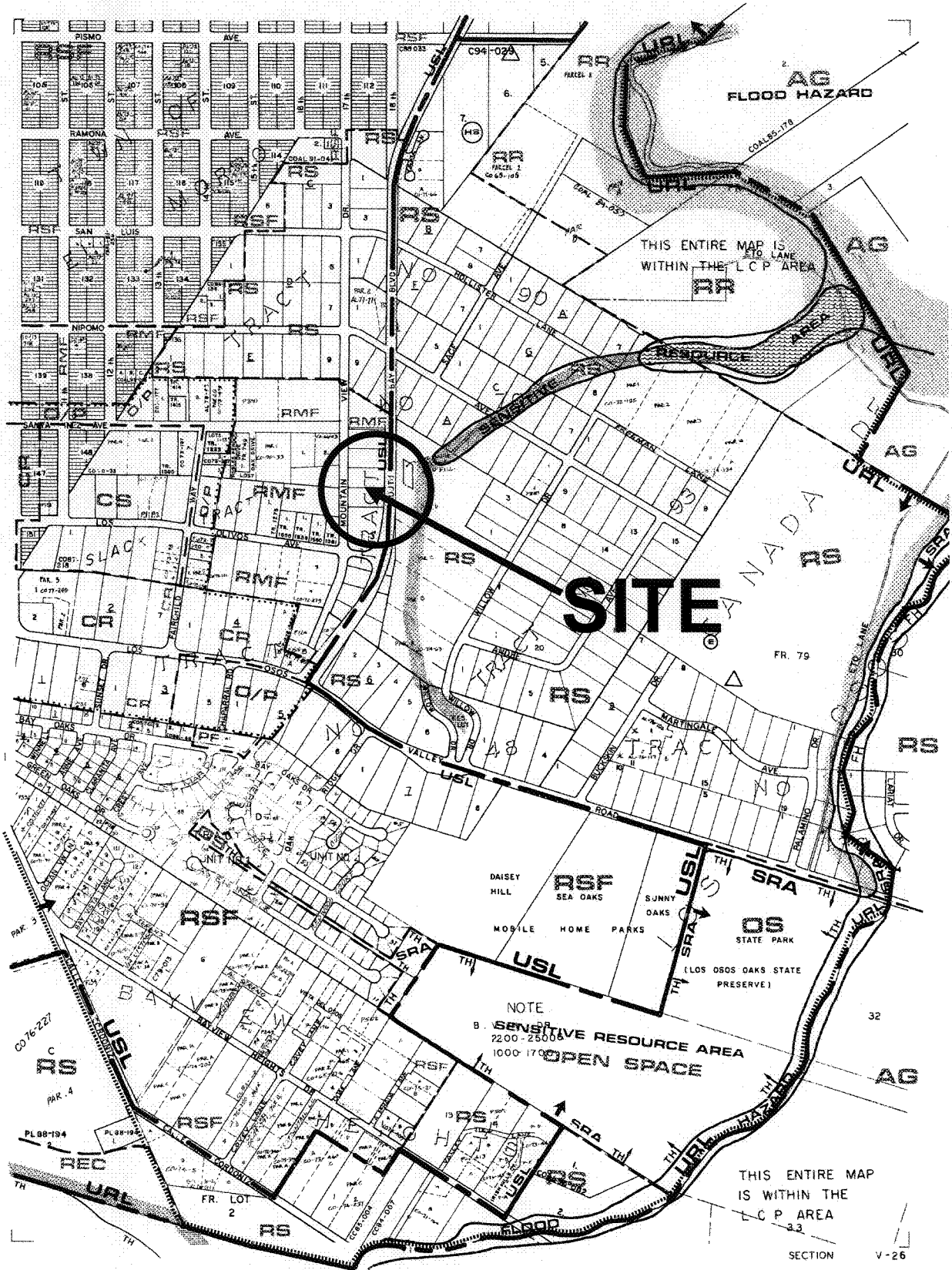
EXHIBIT

Los Osos Vicinity



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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

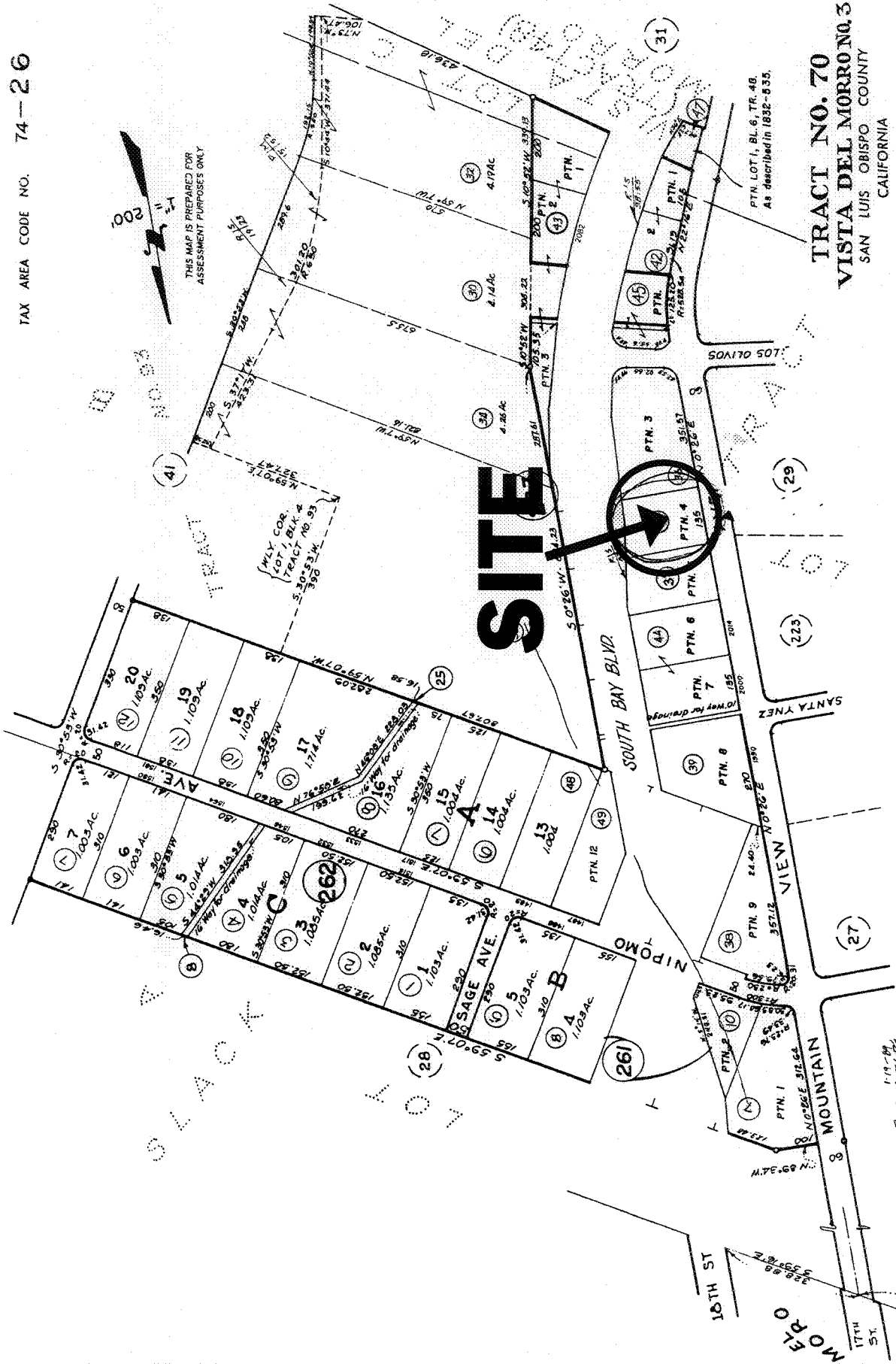
Tract Map & Development Plan  
Albright SUB2004-00386



EXHIBIT

Land Use Category Map

TAX AREA CODE NO. 74-26



PROJECT

Tract Map & Development Plan  
 Albright SUB2004-00386

EXHIBIT

Assessor Map



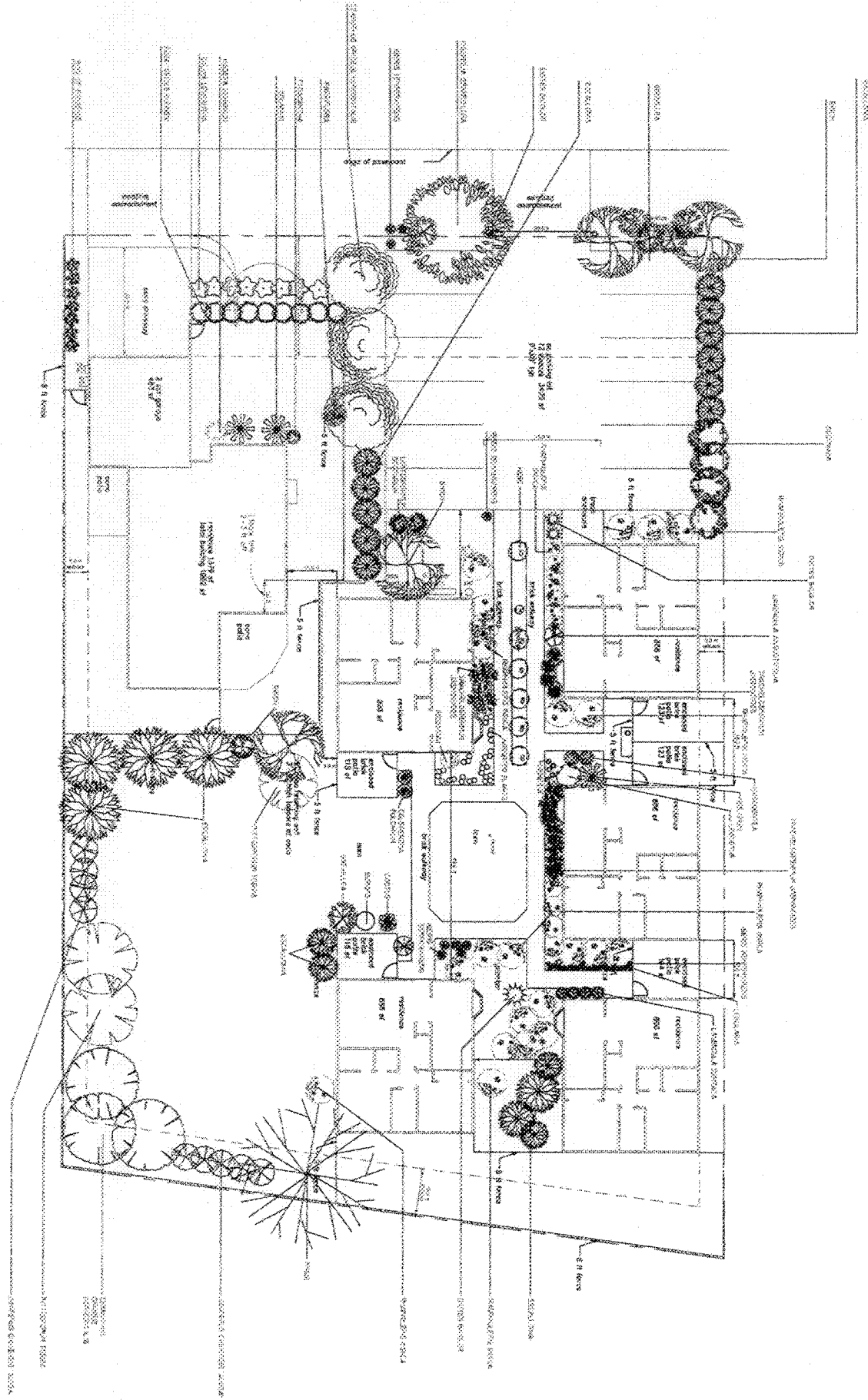
3-18



Tract Map & Development Plan  
Albright SUB2004-00386

## Tract Map & Planned Development





PROJECT

Tract Map & Development Plan  
Albright SUB2004-00386

EXHIBIT

Landscape Plan



3-21



"Greg Albright"  
<greg4u@albrightlands  
capes.com>

09/07/2005 03:46 PM

To: <mwulkan@co.slo.ca.us>, <mgoodwin@co.slo.ca.us>  
cc:  
Subject: Mountain View road exemption

Public Works  
San Luis Obispo County Government Center  
1050 Monterey Street  
San Luis Obispo, CA  
93408  
(805) 549-3147

August 5, 2005

Project info:

Addresses for the property are 2038 – 2050 Mountain View Lane, Los Osos, CA 93402.

APN # is 024-263-041.

Tract # 2762

File # sub2004-00386

Personal info:

Greg & Melissa Albright

PO Box 6970

Los Osos, CA 93412

234-5263 Greg cell

534-0696 home/office

534-0695 fax

albrightland@yahoo.com

Dear Mike Goodwin,

We are requesting a Road Exemption approval for a PUD in Los Osos based on section 212.03.020 (d) (1 - 4). We are taking an existing lot with six homes and converting it into six individual homes and one common area. Upon completion of the split we will sell the homes individually.

There are no plans for construction on the homes and land except new vinyl windows (replacing old

3-22

aluminum), new carpet, linoleum flooring, and minor fence repairs. This transition will not be detrimental nor degrade present improvements.

Existing traffic circulation is done by a compacted base/soil pathway the runs along the road. Parking for the larger home (2050 Mountain view) is done with a garage, concrete pad in front of garage, and an area with mulch next to the concrete pad. Parking for the other 5 units is a 12-car parking lot. The parking lot has an asphalt entrance that is graded to direct road water down the hill.

There is currently little to no maintenance necessary by the county or city to maintain the road and pedestrian area adjacent to the proposed P.U.D.

It appears that in the near future the sewer will be installed for Los Osos. At this time it may be necessary to demolish the curb, gutter, and sidewalk. We will address the sewer installation and septic abandonment within our CC&R and HOA.

If it is necessary we can include curb, gutter, and sidewalk installation along with the CC&R of the property to be installed following the completion of the sewer installation.

Thank you for reviewing are request for Road Exemption. Please contact Greg Albright with any question or concerns.

Sincerely,

Greg Albright

3-23

**LOS OSOS COMMUNITY ADVISORY COUNSEL  
PROJECT REFERRAL RESPONSE**

**File Number:** SUB2004-00386

**Date:** 9/22/2005

**Planner:** Mike Wulkan

**Applicant:** Albright

**Address:** 2038 – 2050 Mountain View Rd.

**Project:**

A six unit Planned Development subdivision. Existing rental homes on a single lot being converted to six lots ranging from about 1,500 to 5,300 square feet with a 12,000 square foot common parcel.

**Los Osos Community Advisory Counsel Recommendation:**

Unless County Planning finds problems with this project, we recommend that it be approved.

Send notice of public hearing for the project:

Yes

Send notice of the final action for the project:

Yes



3-24  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

6/9/05

FROM

PW

FROM  
7/6

Coastal Team

(Please direct response to the above)

Albright / TR 2762

SUB 2004-00386

Project Name and Number

Development Review Section (Phone:

788-2009

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

TR 2762 / 6 unit Planned Development  
division conversion. 27,330 sf ~~lot~~ site. APN-074-263-041  
Located off Mtn. View Rd., Los Osos. Proposed lot sizes range  
from about 1,500-5,800 square feet, with a 12,300 square-foot  
common parcel.

Return this letter with your comments attached no later than:

6/24/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Recommend Approval of THE PUD. DRAINAGE CALC'S WERE PROVIDED -  
NO EXPANSION OF BASIN REQUIRED, CURRENT CONFIGURATION IS ADEQUATE. PW DOES NOT  
SUPPORT ROAD EXCEPTION REQUEST AS C.B. & SW EXIST IN THE NEIGHBORHOOD, THE  
IMPROVEMENTS MAY BE BONDING FOR UNTIL AFTER SEWER LATERALS ARE INSTALLED.

09 SEP 2005

Date

GOODWIN

Name

5252

Phone





3-25 17  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

JUN 10 2005

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 6/9/05

FROM

PW

FROM  
TO

Coastal Team  
(Please direct response to the above)

Albright / TR 2762  
SUB 2004-00386  
Project Name and Number

Development Review Section (Phone:

788-2009 )

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION: TR 2762 / 6 unit - condo airspace sub-  
division conversion. 27,330 sf lot. ApN-074-263-041  
Located off Mtn. View Rd., Los Osos.

Return this letter with your comments attached no later than:

6/24/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

I DON'T SEE EVIDENCE THAT THEY PROVIDED THE TENANTS 60 DAYS NOTICE PRIOR TO APPLICATION (Gov Code 66427.1). CG & SW - So Bay Blvd DOES NOT NEED SIDEWALKS NOR DO WE WANT ANY, I DON'T KNOW IF AN EXCEPTION REQUEST IS NEEDED. Mtn View will require CG & SW UNLESS AN EXCEPTION IS GRANTED, THE ACCOMPANYING LETTER DOES NOT PROVIDE JUSTIFICATION/FINDINGS TO GRANT AN EXCEPTION.

06 July 2005  
Date

GOODWIN  
Name

5252  
Phone

**3-26**  
**EXHIBIT B**

CONDITIONS OF APPROVAL FOR TRACT 2762, ALBRIGHT / WILSON

**Approved Project**

This approval authorizes the division of a \_\_\_\_\_ acre parcel into \_\_\_\_\_ parcels of \_\_\_\_\_ *acres / square feet* each.

**Access and Improvements**



Roads and/or streets to be constructed to the following standards:

a. \_\_\_\_\_ constructed to a \_\_\_\_\_ section within a \_\_\_\_\_ foot dedicated right-of-way.

b. MOUNTAIN VIEW AVE widened to complete a A-2 section fronting the property.

c. \_\_\_\_\_ constructed to a \_\_\_\_\_ section from the property to \_\_\_\_\_ (minimum paved width to be \_\_\_\_\_ feet).



The applicant offer for dedication to the public by certificate on the map or by separate document:

a. For future road improvement \_\_\_\_\_ feet along \_\_\_\_\_ to be described as \_\_\_\_\_ feet from the recorded centerline.

b. For future road improvement \_\_\_\_\_ feet along \_\_\_\_\_ to be described as \_\_\_\_\_.

c. For road widening purposes \_\_\_\_\_ feet along \_\_\_\_\_, to be described as \_\_\_\_\_ feet from the recorded centerline.

d. The \_\_\_\_\_ foot road easement as shown on the tentative parcel map with a \_\_\_\_\_ foot radius property line return at the intersection of \_\_\_\_\_.

e. A \_\_\_\_\_ foot radius property line return at the intersection of \_\_\_\_\_.

f. The \_\_\_\_\_ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

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- ☐ The intersection of \_\_\_\_\_ and \_\_\_\_\_  
be designed in accordance with California Highway Design Manual.
- ☒ Access be denied to lots 1 from SOUTH BAY BLVD  
and that this be by certificate and designation on the map.
- ☐ The future alignment of \_\_\_\_\_ shall be  
shown on the map as reserved for future public right-of-way.
- ☐ A private easement be reserved on the map for access to lots \_\_\_\_\_.
- ☐ A practical plan and profile for access to lots \_\_\_\_\_ be submitted  
to the Department of Public Works and the Department of Planning and Building for  
approval.
- ☐ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code.  
All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

### Improvement Plans

- ☒ Improvement plans shall be prepared in accordance with San Luis Obispo County  
Improvement Standards and Specifications by a Registered Civil Engineer and submitted  
to the Department of Public Works and the county Health Department for approval. The  
plan is to include:
- ☒ a. Street plan and profile.
  - ☒ b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Water plan (County Health).
  - d. Sewer plan (County Health).
  - ☒ e. Grading and erosion control plan for subdivision related improvement locations.
  - ☒ f. Public utility plan, showing all existing utilities and installation of all utilities to serve  
every lot.
  - g. Tree removal/retention plan for trees to be removed and retained associated with  
the required improvement for the land division to be approved jointly with the  
Department of Planning and Building.
  - h. Trail plan, to be approved jointly with the Park Division.
- ☒ The applicant shall enter into an agreement with the county for the cost of checking the  
map, the improvement plans if any, and the cost of inspection of any such improvements  
by the county or its designated representative. The applicant shall also provide the county  
with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish  
construction phase services, Record Drawings and to certify the final product to the  
Department of Public Works.
- ☒ The Registered Civil Engineer, upon completion of the improvements, must certify to the  
Department of Public Works that the improvements are made in accordance with all  
conditions of approval, including any related land use permit conditions and the approved  
improvement plans. All public improvements shall be completed prior to occupancy of any  
new structure.
- ☐ If environmental permits from the Army Corps of Engineers or the California Department  
of Fish and Game are required for any public improvements that are to be maintained by  
the County, the applicant or his engineer, prior to the approval of the plans by the  
Department of Public Works shall:
- a. Submit a copy of all such permits to the Department of Public Works OR
  - b. Document that the regulatory agencies have determined that said permit is not  
longer required.

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## Drainage

- ☐ \_\_\_\_\_ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☒ Submit complete drainage calculations to the Department of Public Works for review and approval, *TO VERIFY THE ADEQUACY OF THE EXISTING BASIN*
- ☒ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☒ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
  - a. granted to the public in fee free of any encumbrance.
  - ☒ b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
  - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within \_\_\_\_\_ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to \_\_\_\_\_ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☐ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. *PROVIDE WQID # to COUNTY*

## Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) \_\_\_\_\_, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

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- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to \_\_\_\_\_ prior to the filing of the final parcel or tract map for **water service/water and sewer service/sewer maintenance/community septic system maintenance/**\_\_\_\_\_.

### Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

### Utilities

- ☐ Electric and telephone lines shall be installed **underground / overhead**.
- ☐ Cable T.V. conduits shall be installed in the street.
- ☐ Gas lines shall be installed.
- ☐ A \_\_\_\_\_ feet public utility easement on private property along \_\_\_\_\_, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

### Design

- ☐ The lots shall be numbered in sequence.
- ☐ The \_\_\_\_\_ on lot \_\_\_\_\_ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of \_\_\_\_\_ shall contain a minimum area of \_\_\_\_\_ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).

- ☐ The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

#### Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

#### Fire Protection

- ☐ Provide minimum fire flow of \_\_\_\_\_ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

#### Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total **number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.**
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

#### Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

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### Easements

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held ***in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building***. The open space parcel is to be maintained as such in perpetuity.

### Landscape Plans

- ☐ ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
  - a. Drainage basin fencing. (***ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN***)
  - b. Drainage basin perimeter landscape screening. (***ONLY USE FOR FENCED BASINS***)
  - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within \_\_\_\_\_ days of completion of the improvements.

### Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE **ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP**

- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

### Additional Map Sheet

- ☐ The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

#### CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) \_\_\_\_\_ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) \_\_\_\_\_ is responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on ***all lots within the land division / on lots*** \_\_\_\_\_.

- 3-3-2
- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
  - e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
  - f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
  - g. An agricultural buffer prohibiting residential structures, consisting of \_\_\_\_\_ feet over lots \_\_\_\_\_, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
  - h. The limits of inundation from a 100 year storm over lots \_\_\_\_\_ from \_\_\_\_\_ **creek / river** shall be shown on the additional map and note the required building restriction in the on the sheet.
  - i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
  - j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated \_\_\_\_\_ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
  - k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*
  - l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
    - A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
    - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
  - m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Covenants, Conditions and Restrictions

The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

CHOOSE APPLICABLE PROVISIONS

- a. On-going maintenance of drainage basin fencing in perpetuity.
- ☒ b. On-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of drainage basin landscaping.
- ☒ c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of \_\_\_\_\_ feet over lots \_\_\_\_\_, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
- i. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- j. The limits of inundation from a 100 year storm over lots \_\_\_\_\_ from \_\_\_\_\_ **creek / river** shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)

☒ l.

Condo Plan

Low Cost Housing (USE IN COASTAL ZONE ONLY)

Provide \_\_\_\_\_ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the \_\_\_\_\_ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

Miscellaneous

This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.



A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.



Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.



Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.



All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.



MTW

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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDINGRECEIVED  
AUG 23 2005  
Planning & BldgVICTOR HOLANDA, AICP  
DIRECTOR

ENVIRONMENTAL HEALTH

THIS IS A NEW PROJECT REFERRAL

DATE:

6/19/05

TO:

Env. Health

FROM:

Coastal Team

(Please direct response to the above)

Albright / TR 2762

SUB 2004-00386

Project Name and Number

Development Review Section (Phone:

788-2009

\*OR ASK THE SWITCH-  
BOARD FOR THE PLANNING

PROJECT DESCRIPTION:

TR 2762 / 6 unit ~~condo~~ <sup>Planned Development</sup> ~~air space~~ sub-  
division conversion. 27,330 sf ~~lot~~ <sup>site</sup>. APN-074-263-041  
Located off ~~Altn.~~ View Rd., Los Osos. Proposed lot sizes range  
from about 1,500 - 5,800 square feet, with a 12,300 square-foot  
common parcel.

Return this letter with your comments attached no later than:

6/24/05

## PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES  
☐ NO

## PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO (Please go on to Part III)  
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

## PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Provide applicant with stock condition for community water & on-site septic.  
Although the on-site septic systems already exist, the project  
should connect to sewer immediately when available.

8/24/05  
DateLauri Salo  
Name781-5551  
Phone



MTW

3-36

17

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDINGVICTOR HOLANDA, AICP  
DIRECTOR

## THIS IS A NEW PROJECT REFERRAL

DATE:

6/9/05

JUN 24 2005

TO:

Env. Health

FROM:

Coastal Team

(Please direct response to the above)

Albright / TR 2762

SUB 2004-00386

Project Name and Number

Development Review Section (Phone:

788-2009 )

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNER)

## PROJECT DESCRIPTION:

TR 2762 / 6 unit - Condo airspace sub-  
division conversion. 27,330 sq ft. APN-074-263-041  
Located off Mtn. View Rd., Los Osos.

Return this letter with your comments attached no later than:

6/24/05

## PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES  
☐ NO

## PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO (Please go on to Part III)  
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

## PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Please provide applicant with stock conditions for community water and on-site septic. The map shows that the units exist already but the map doesn't show the locations of the septic systems. Please provide exhibit. Have applicant provide letter from water company stating sewer exhausts and will remain for proposed parcel.

Date

6/23/05

Name

Laurie Sals

Phone

781-5551

3-37

Jan DiLeo/GenSrvcs/COSLO

10/27/2005 11:56 AM

To Mike Wulkan/Planning/COSLO@Wings

cc Shaun E Cooper/GenSrvcs/COSLO@Wings, Mike  
Goodwin/PubWorks/COSLO@Wings

bcc

Subject SUB2004-00386 - Albright

Hi Mike,

Thanks for the phone call. Per our discussion, there were two issues regarding the Albright Project on Mountain View in Los Osos. It is my understanding this project is a Planned Unit Development (PUD) that will create individual lots for existing residential units. No new lots (without an existing residence) will be created.

1. In terms of Quimby Fees, although new lots are being created, Parks has not typically charged a Quimby Fee for a new lot when there is already an existing residence located on the lot. Thus, Parks is not requiring payment of Quimby Fees.

2. In terms of trails, Mountain View includes a Class III bicycle path per the County's Bicycle Plan. Any road improvements should include the future Class III bicycle path.

Let me know if you have additional questions. THANKS!

Jan Di Leo  
Parks Planner  
SLO County Parks  
(805) 781-4089 <http://www.slocountyparks.org>



CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

3-38

August 8, 2005

County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

Dear Coastal Team,

## TRACT MAP PLAN

**Name: Albright      Project Number: SUB2004-00386**

The Department has reviewed the parcel map plans submitted for the proposed six unit condo subdivision project located at 2038-2050 Mountain View Rd. Los Osos. The property is located within a moderate fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

**The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (2001 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:**

### COMMUNITY WATER SYSTEM

- Emergency water supplies shall meet the minimum fire flow requirements as identified in the California Uniform Fire Code, Section 903.1, 903.2, 903.3 and 903.4 as amended, and in Appendix III-A.
- The proposed project shall provide a minimum 1000 gallons of water per minute for 120 minutes.
- The minimum water main size shall not be less than six (6) inches.
- Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

### WATER SUPPLY CONNECTION

One fire hydrant shall be required.

- Fire hydrants are to be located with a maximum normal spacing of 500 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4-1/2 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
  - (a) On a fire resistive post within 3 feet of fire hydrant.
  - (b) On a non-skid surface, center of roadway, to the fire hydrant side.

### ACCESS

Access road width shall be 24 feet.

Driveway width shall be 10 feet.

All road and driveway surfaces shall be all weather.

All surfaces shall be constructed to meet a load capacity of 20 tons.

Any grade exceeding 12% shall be a non-skid surface.

### ADDRESSING

Legible address numbers shall be placed on all residences.

Each residence shall be assigned a separate address.

Legible address numbers shall be located at the driveway entrance.

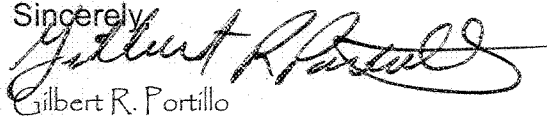
3-39

## FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently Southern San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,



Gilbert R. Portillo

Fire Inspector

C:



Alan C. Lloyd, Ph.D.  
Agency Secretary

# California Regional Water Quality Control Board

## Central Coast Region



Internet Address: <http://www.waterboards.ca.gov/centralcoast>  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
Phone (805) 549-3147 • FAX (805) 543-0397

3-40

Arnold Schwarzenegger  
Governor

May 31, 2005

Greg and Melissa Albright  
P. O. Box 6970  
Los Osos, CA 93412

Dear Mr. and Mrs. Albright:

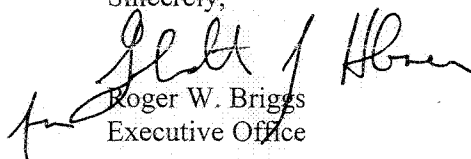
### REQUEST FOR CLARIFICATION REGARDING PLANNED UNIT DEVELOPMENT PROPERTY CONVERSION IN LOS OSOS, SAN LUIS OBISPO COUNTY

This letter responds to your April 27, 2005, inquiry regarding this agency's possible regulation of your proposed conversion of six residential units, located at 2038 – 2050 Mountain View Lane in Los Osos, to a planned unit development (PUD). Based upon your submittal, the existing development includes six residential units, each served by its own on-site wastewater system (septic system). The development is located within the on-site discharge prohibition area formed by Resolution No. 83-13, adopted by the Central Coast Water Board in 1983.

Your proposal (as we understand it) represents a change in the type of ownership of the development. The proposed conversion does not create a new or increased discharge of waste subject to regulation by the Central Coast Water Board. However, existing discharges at the project site (and throughout the community) are currently in violation of Resolution No. 83-13. Accordingly, potential and future property owners should be notified of the requirements of Resolution No. 83-13. We also recommend (by copy of this letter) that the PUD be conditional upon each resulting unit being required to connect to the community sewer within 60 days of availability.

If you have questions, please call Sorrel Marks at 549-3695 or Gerhardt Hubner at 542-4647.

Sincerely,

  
Roger W. Briggs  
Executive Office

C: Mike Wulkan, Dept. of Planning & Building, Co. Government Center, San Luis Obispo, CA 93408  
Bruce Buel, Los Osos CSD, P. O. Box 6064, Los Osos, CA 93412

S:/wdr/wdr facilities/san luis obispo co/Los Osos/waivers & exemptions/albright.ltr  
File: Los Osos Exemptions  
Task: 126-01

*California Environmental Protection Agency*

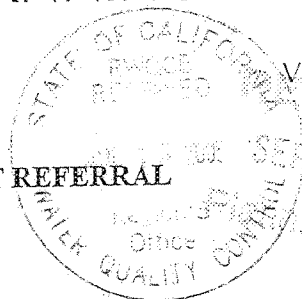


Recycled Paper





MTW 341  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING



VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

6/9/05

TO:

RW&CB

FROM:

Coastal Team

(Please direct response to the above)

Albright / TR 2762

SUB 2004-00386

Project Name and Number

Development Review Section (Phone:

788-2009

\*OR ASK THE SWITCH-  
BOARD FOR THE PLANNER

PROJECT DESCRIPTION:

TR 2762 / 6 unit ~~Planned Development~~  
division conversion. 27,330 sf ~~lot~~ site. AppN-074-263-041  
Located off Mtn. View Rd., Los Osos. Proposed lot sizes range  
from about 1,500 - 5,800 square feet, with a 12,300 square-foot  
common parcel.

Return this letter with your comments attached no later than:

6/24/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X  
YES  
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X  
NO  
YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Each individual lot owner must be notified regarding the Los Osos on-site discharge prohibition. Such notification should be included in permit conditions.

9.9.05

Date

SORREL, MARKS

Name

349-3695

Phone



17

3-42

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

MTW

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 6/9/05  
TO: So. Cal Gas Co.  
FROM: Coastal Team  
(Please direct response to the above)

Albright / TR 2762  
SUB 2004-00386  
Project Name and Number

Development Review Section (Phone: 788-2009) \*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION: TR 2762 / 6 unit - Condo airspace sub-  
division conversion. 27,330 sf lot. APN-074-263-041  
Located off Mtn. View Rd., Los Osos.

Return this letter with your comments attached no later than: 6/24/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?  
✓ YES  
NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?  
NO (Please go on to Part III)  
✓ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

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SO. CA. GAS CO. REQUESTS THAT LOT 1 BE DESIGNATED AS A PUBLIC UTILITIES  
EASEMENT WITH THE EXCEPTION OF THAT PORTION OF LAND TO BE OCCUPIED BY  
PERMANENT DWELLINGS OR STRUCTURE SITES.

6/24/05  
Date

RICHARD ISBELL  
Name

RECEIVED  
JUL 07 2005

805-781-2440  
Phone

Planning & Bldg